

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**MOSKOWITZ FAMILY LLC**

*Plaintiff,*

v.

**GLOBUS MEDICAL, INC.**

*Defendants.*

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**CIVIL ACTION**

**No. 20-3271**

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of August, 2021, upon consideration of the parties’ Opening Claim Construction Briefs (Doc. Nos. 116, 117), their corresponding responses and replies to the Briefs (Doc. Nos. 122, 123, 134, 135), and the arguments of counsel for the parties at the July 27, 2021 hearing, and in accordance with the Opinion of the Court issued on this day, it is hereby **ORDERED** that the following terms are construed as follows:

1. The term “universal” is construed as “**an intervertebral bone fusion spacer designed to be inserted between [vertebrae / vertebral bodies] in any region of the spine, i.e., cervical, thoracic, or lumbar, using any approach, e.g., posterior, anterior, or lateral.**”
2. The term “intervertebral / disc space / intervertebral space” is construed as “**a disc space between two vertebral bodies.**”
3. The phrase “third and fourth opposing side surfaces positioned on opposite sides of the second vertebral body engagement surface” is construed as “**two surfaces located on opposite sides of the second vertebral engagement surface.**”
4. The phrase “gripper having a plurality of prongs” is construed as “**a part of a tool assembly with two or more prongs.**”

5. The term “counterbore” is construed as “**an enlargement of the mouth of a cylindrical bore for accommodating a screw head.**”
6. The term “curvilinear nail screw / curvilinear nail-screw” is construed as “**a curved body for penetration into an intervertebral body.**”
7. The phrase “first [and second] means for engaging a cancellous core” is construed pursuant to 35 U.S.C. § 112(6), with a function of “**engaging a first/second cancellous core of the first/second vertebral body,**” and a structure of “**a series of fish-hooks, threads, ridges, or equivalent structure known to a POSITA, extending along a linear direction of the curvilinear nail-screw.**”
8. The term “shell” is construed as “**an exterior structure of the artificial expansile spinal implant.**”
9. The phrase “bone-piercing screw extendable from the at least one implant body” is construed as “**bone-piercing screw extendable from the at least one implant body.**”
10. The phrase “means to facilitate irreversible extraction” is construed pursuant to 35 U.S.C. § 112(6), with a function of “**facilitate irreversible extraction,**” and a structure of “**ridges, fishhooks, or equivalent structures known to a POSITA.**”

BY THE COURT:

/s/ Mitchell S. Goldberg  
MITCHELL S. GOLDBERG, J.